

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WESLEY DEAN MERRILL,

Defendant.

CR 21-07-BLG-DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendations in this matter on May 6, 2021. (Doc. 41.) Neither party objects, and so the Court will review for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge Cavan recommended this Court accept Wesley Dean Merrill’s guilty plea after Merrill appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of possession with intent to distribute controlled substances in violation of 21 U.S.C. § 841(a)(1) as charged in the Superseding Information.

The Court finds no clear error in Judge Cavan's Findings and Recommendation and adopts them in full. The Court will defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. Accordingly,

IT IS ORDERED that the Findings and Recommendations (Doc. 41) is ADOPTED in full. Merrill's motion to change plea (Doc. 31) is GRANTED and he is adjudged guilty as charged in Count I of the Superseding Information.

DATED this 25th day of May, 2021.



Dana L. Christensen, District Judge
United States District Court